MT LEGISLATIVE HISTORY

Chapter 492 1975

Bill (H) 184 S _____ Original bill & hist. ___C

H. Committee on State Administration		S. Committee on State Administration	
Hearing Date(s) Jan 25	✓C	Hearing Date(s) Feb 28	✓C
_____	___C	Mar 17	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	_____	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

House BILL NO. 184

INTRODUCED BY Tom Smith, Kummerfeldt

By request of Department of Lands

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE BOARD OF LAND COMMISSIONERS TO EXCHANGE STATE LAND FOR PRIVATE LAND SUBJECT TO CERTAIN REQUIREMENTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section that reads as follows:

Exchange of state land for private land. (1) The board is authorized to exchange state land for private land, provided that the private land is of equal or greater value than the state land and the exchange will result in the consolidation of state lands into more compact bodies. This section does not apply to exchanges undertaken under section 81-2704, R.C.M. 1947.

(2) Prior to completing any such exchange, a public hearing shall be held in the county containing the state land to be exchanged.

(3) If the requirements of subsections (1) and (2) are met, state lands bordering on navigable lakes and streams or other bodies of water with significant public use value may be exchanged for private land if the private land borders on similar navigable lakes, streams, or other bodies of water.

-End-

INTRODUCED BILL

HB184

STATE ADMINISTRATION COMMITTEE

January 25, 1975

The Meeting of the State Administration Committee was called to order by Chairman Brand on this date. All members were present with the exception of the following members who were excused: Representatives Helmbrecht, O'Connell and Seifert.

HJR 16 - Representative Travis, sponsor, stated this bill simply makes it possible for a wife's or husband's name to be listed beside his or her spouse's without additional cost. She also stated it should be a convenience to members of a community and also to people coming in from other towns who don't know the spouse's first name.

LaVerne Kohl, librarian, was a proponent for the bill. She stated that not all towns have city directories and this bill would enable people to find other people a lot easier and would save a number of phone calls. There are a lot of people with common last names, and this would make it a lot less confusing.

Jim Burnham, Mountain Bell and Gene Phillips, N.W. Telephone Systems, Inc., were present as opponents of the bill. They stated that the cost of this procedure would be too great to do it for free. It would take up a lot of paper and more printing.

Representative Travis stated the cost of a listing was 50 cents per month, totalling $6 per year. She felt that was too much to have your name listed. She also stated that no more paper would be used than is used now because they would be listed jointly. She then made the following amendments:

1. Title, line 6 - Following: "REQUIRE" Insert: "UPON REQUEST"

2. page 1, line 24 - Following: "directory" Insert: "upon request"

HB 184 - Representative Lien, sponsor, stated this bill allows the state to exchange its land for private land. They already have constitutional authority and this gives them the statutory authority to carry this process out.

Leo Barry - State Lands Dept, proponent, spoke of the Enabling Act. He stated that this bill gives us the statutory authority we need.

In discussion, the question was asked if this bill would go against HB165. It was stated by Representative Lien that it would not.

HB 187 - Representative Moore, sponsor, stated this bill was to amend the $500 fee for application of land.

Greg Jackson - Board of Real Estate, and Cliff Christian were present as proponents for the bill. They stated that any part of this $500 fee that wasn't used would be returned. They felt these expenses should be handled by a subdivider. They also stated that a land check is made on land before it is sold or bought to see if there are any mineral rights, swamps. etc.

HB 188 & 189 - Representative Moore, sponsor, asked that these two bills be put into a subcommittee for further research.

HB 188 & 189 - Representative Lien moved to put these two bills in a subcommittee. Representative Mular seconded the motion. The motion passed unamiously. Members of the subcommittee are Representatives Mercer, Hageman, Johnston.

HB 187 - Representative Hubing moved it do pass. Representative Bardanouve seconded the motion. It passed unanimously.

HB 184 - Representative Bardanouve moved this do pass. Representative Kanduch seconded the motion. The vote was do pass with Representative Mular voting negative.

HJR 16 - Representative Bardanouve moved the amendments do pass. Representative Hageman seconded the motion. The amendments were voted do pass.

Representative Mular proposed another amendment in the title of the bill. It is as follows: Amend title, page 1, line 7. Following: "A", Strike: "SINGLE"

Representative Bardanouve moved to pass this amendment. Representative Hageman seconded the motion. The amendment vote was do pass.

Representative Bardanouve moved that this bill do pass as amended. Representative Hageman seconded the motion. It passed as amended.

HB 45 - Representative Hageman moved to pass the amendments previously proposed. They are as follows: Page 2, section 2, subsection (2)(a), line 13: Following "hospital" Strike: "residence" Insert" "employee".

Page 4, section 3, subsection (3) line 1, following: "years." Insert: "(g) one (1) chiropractor for three (3) years."

The amendments were passed. Representative Hageman moved to pass the bill as amended. It was passed as amended. Those voting negative were Representatives Lund, Mercer and Hubing.

only two weeks should be included.

CONSIDERATION OF HOUSE BILL NO. 184: An act to authorize the Board of Land Commissioners to exchange state land for private land subject to certain requirements.

Representative Ed Lien, sponsor of the bill, explained it to the committee. He said the purpose was to permit the Board of Land Commissioners to exchange state land for private land, with certain restrictions. He pointed out that the House put several amendments on that in their opinion do not seem to change the original intent of the bill.

Mr. Ted Schwinden, Commissioner of the Department of State Lands, testified in support of House Bill 184. He stated that in 1974 a similar bill was introduced. It started out as a one-page simple bill, but too many problems developed. According to Mr. Schwinden, exchanges with private individuals were prohibited by Congress until 1948, when they substantially modified and expanded the capabilities to exchange state lands. It was not until the new Montana Constitution, however, that state restrictions were modified. Last year the Montana Natural Areas Act permitted the exchange of state lands for private lands for the purpose of inclusion in a state national area.

Mr. Schwinden also pointed out that often the Land Department can make a good deal with a private owner who may be willing to exchange land of a greater value or more of it for a piece of land located in the center of his property. Therefore he feels this bill will be a benefit to the state. However, he did have one question with the amendments put on by the House. He noted that page 2, lines 1 and 2 state that "any interested party" may seek judicial review of the Board's action. He doesn't feel it is fair if they work for six months trying to effect an exchange and any private party can file suit against them, and it appears to him that it would need court interpretation to determine who had rights as an "interested party". Therefore he suggested amending that to read "any person directly affected in some way" in order to clarify the situation.

Senator Max Conover appeared as a proponent of House Bill 184. He pointed out that consolidating state lands to one area would benefit the state as well as private individuals since it would eliminate the necessity of building roads through private land to reach state recreational sites. He pointed out that Montana is one of only three states left in the union that has land left to sell.

In answer to a question, Mr. Schwinden quoted Article 10, Section 11 of the Constitution which states that land which the state exchanges with private individuals must be "equal in value and, as closely as possible, equal in area." Therefore he felt the state would not stand to lose anything, and that there would be no problem in leasing these newly

acquired lands because the percentage of competition on renewal leases increases each year.

DISPOSITION OF BILLS:

HOUSE BILL NO. 315: Senator Murphy made a motion that House Bill 315 BE CONCURRED IN. Motion carried unanimously.

HOUSE BILL NO. 169: Senator Story made a motion that House Bill 169 BE CONCURRED IN. Motion carried unanimously.

HOUSE BILL NO. 532: There was further discussion of House Bill 532. Chairman Greely then asked Dick Hargesheimer to do some research on the bill by checking with the Department of Administration on the following matters: 1) whether the 25 cents per mile is the going rate for airplane travel; and 2) whether or not it would be wise to set the 25 cent figure as a maximum so that the departments could actually negotiate the cost.

HOUSE JOINT RESOLUTION NO. 11: Senator Devine made a motion that House Joint Resolution 11 BE NOT CONCURRED IN. Motion carried unanimously.

HOUSE BILL NO. 149: Senator Jergeson made a motion that House Bill 149 be amended as follows:

1. Amend page 2, Section 1, line 14.
   Following: "~~(18)~~"
   Strike: "sixteen (16)"
   Insert: "eighteen (18)"

2. Amend page 2, Section 1, line 15.
   Following: "~~(18)~~"
   Strike: "sixteen (16)"
   Insert: "eighteen (18)"

There was some discussion of the amendment. Senator Greely compared House Bill 149 with Senate Bill 5, the Uniform Marriage and Divorce Act, which passed the Senate and which amends the same sections of law that HB 149 amends, with the exception of 48-146, R.C.M. 1947. In view of this fact, Senator Jergeson withdrew his motion.

Senator Rosell then made a motion that House Bill 149 be amended as follows:

1. Amend title, lines 4 and 5.
   Following: "AMEND"
   Strike: "SECTIONS 48-143,"
   Insert: "SECTION"

2. Amend title, line 5.
   Following: "48-146,"
   Strike: "48-149,"

3. Amend title, lines 5 and 6.
   Following: "THE"
   Strike: "AGE, RESIDENCE, AND NOTICE REQUIREMENTS FOR THE"

4. Amend title, lines 7 and 8.
   Following: "LICENSES"
   Strike: "; AND REPEALING SECTIONS 48-118.1 AND 48-145, R.C.M. 1947"

5. Amend pages 1 and 2, lines 11 on page 1 through line 24 on page 2.
   Following: line 10 on page 1
   Strike: Section 1 in its entirety
   Renumber: Subsequent section

6. Amend pages 3 through 6, lines 20 on page 3 through line 1 on page 6.
   Following: line 19 on page 3
   Strike: Sections 3 through 4 in their entirety

The motion carried unanimously. Senator Jergeson then made a motion that House Bill 149 BE CONCURRED IN AS AMENDED. Motion carried.

The meeting was adjourned by Chairman Greely at 9:30 a.m.

Mike Greely

SENATOR MIKE GREELY, Chairman

ROLL CALL

STATE ADMINISTRATION COMMITTEE

44th LEGISLATIVE SESSION - 1975 Date 2-28-75

NAME	PRESENT	ABSENT	EXCUSED
Senator Mike GREELY, Ch.	X 8:13 a.m.		
Senator Terry MURPHY	X		
Senator John W. DEVINE	X		
Senator Greg JERGESON	X 9:03 a.m.		
Senator Ann SEIBEL	X		
Senator Antoinette ROSELL	X		
Senator George F. ROSKIE	X		
Senator Peter STORY	X		

Each day attach to minutes

2. Amend page 1, section 1, line 14.
Following: "by-products"
Strike: "from the prison ranch"
Insert: "best utilized in a rendering plant"

The motion carried unanimously. Senator Murphy then made a motion that House Bill 561 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

HOUSE BILL NO. 603: Senator Story made a motion that House Bill 603 BE NOT CONCURRED IN. The motion carried unanimously. (See information memo attached as Exhibit C.)

HOUSE BILL NO. 184: Senator Roskie made a motion that House Bill 184 be amended as follows:

1. Amend page 2, section 1, lines 1 through 2.
Following: "ACTION."
Strike: "ANY INTERESTED PARTY MAY SEEK JUDICIAL REVIEW OF THE BOARD'S ACTION."

The motion carried. Senator Roskie then made a motion that House Bill 184 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

HOUSE BILL NO. 203: Senator Murphy made a motion that House Bill 203 BE CONCURRED IN. The motion carried unanimously.

HOUSE BILL NO. 290: Senator Story made a motion that House Bill 290 BE CONCURRED IN. The motion carried unsnimoualy.

HOUSE BILL NO. 378: Senator Murphy made a motion that House Bill 378 BE CONCURRED IN. The motion carried unanimously.

HOUSE BILL NO. 337: Senator Devine made a motion that House Bill 337 BE CONCURRED IN. The motion carried unanimously.

HOUSE BILL NO. 485: Senator Story made a motion that House Bill 485 BE CONCURRED IN. Motion carried unanimously.

HOUSE BILL NO. 699: Senator Greely made a motion that the amendments (attached herewith as Exhibit D) to House Bill 699 be adopted. The motion carried unanimously.

Senator Jergeson then made a motion that House Bill No. 699 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

HOUSE BILL NO. 646: Senator Rosell made a motion that the committee adopt the amendments to House Bill 646 (attached herewith as Exhibit E). The motion carried unanimously.

Senator Seibel then made a motion that House Bill 646 BE CONCURRED IN AS AMENDED. The motion carried.

HOUSE BILL NO. 342: Senator Greely made a motion that the committee adopt the following amendments to House Bill 342:

ROLL CALL

STATE ADMINISTRATION COMMITTEE

44th LEGISLATIVE SESSION - 1975 Date 3-19-75

NAME	PRESENT	ABSENT	EXCUSED
Senator Mike GREELY, Ch.	X		
Senator Terry MURPHY	X		
Senator John W. DEVINE	X		
Senator Greg JERGESON	X		
Senator Ann SEIBEL	X		
Senator Antoinette ROSELL	X		
Senator George F. ROSKIE	X		
Senator Peter STORY	X		

Each day attach to minutes

SENATE COMMITTEE on STATE ADMINISTRATION

Date 3-17-75 House Bill No. 184 Time 8:51 a.m.

NAME	YES	NO
GREELY, Mike - Chairman	X	
MURPHY, Terry - Vice Chairman	X	
DEVINE, John W.	X	
JERGESON, Greg	X	
SEIBEL, Ann	X	
ROSELL, Antoinette Fraser	X	
ROSKIE, George F.	X	
STORY, Peter	X	

Mary Anne Fisher
Secretary

Mike Greely
Chairman

Motion: By Roskie that House Bill No. 184 BE CONCURRED IN AS AMENDED.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE on STATE ADMINISTRATION

Date 3-17-75 House Bill No. 184 Time 8:50 a.m.

NAME	YES	NO
GREELY, Mike - Chairman		X
MURPHY, Terry - Vice Chairman	X	
DEVINE, John W.	X	
JERGESON, Greg		X
SEIBEL, Ann	X	
ROSELL, Antoinette Fraser	X	
ROSKIE, George F.	X	
STORY, Peter	X	

Mary Anne Fisher
Secretary

Mike Greely
Chairman

Motion: By Roskie that House Bill 184 be amended as follows:
1. Amend page 2, section 1, lines 1 through 2.
Following: "ACTION."
Strike: "ANY INTERESTED PARTY MAY SEEK JUDICIAL REVIEW OF THE BOARD'S ACTION."

(include enough information on motion--put with yellow copy of committee report.)

HOUSE BILL NO. 184

INTRODUCED BY LIEN, SMITH, KUMMERFELDT, HUENNEKENS, CASEY

(BY REQUEST OF DEPARTMENT OF LANDS)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE BOARD OF LAND COMMISSIONERS TO EXCHANGE STATE LAND FOR PRIVATE LAND SUBJECT TO CERTAIN REQUIREMENTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section that reads as follows:

Exchange of state land for private land. (1) The board is authorized to exchange state land for private land, provided that the private land is of equal or greater value than the state land and ~~the--exchange--will--result--in--the consolidation--of--state--lands--into-more-compact-bodies~~ AS CLOSELY AS POSSIBLE, EQUAL IN AREA. THE BOARD SHALL PLACE PRIORITY ON EXCHANGES WHICH RESULT IN CONSOLIDATION OF STATE LANDS INTO MORE COMPACT BODIES. This section does not apply to exchanges undertaken under section 81-2704, R.C.M. 1947.

(2) Prior to completing any such exchange, a public hearing shall be held in the county containing the state land to be exchanged. WHEN SPECIFIC OBJECTIONS TO THE PROPOSED EXCHANGE ARE RAISED DURING ANY SUCH HEARING, THE BOARD SHALL MAKE FINDINGS OF FACT RESPONDING TO SUCH OBJECTIONS AND EXPLAINING THEIR ACTION. ~~ANY-INTERESTED PARTY-MAY-SEEK-JUDICIAL-REVIEW-OF-THE-BOARD'S-ACTION.~~

(3) If the requirements of subsections (1) and (2) are met, state lands bordering on navigable lakes and streams or other bodies of water with significant public use value may be exchanged for private land if the private land borders on similar navigable lakes, streams, or other bodies of water.

(4) NO SUCH EXCHANGE SHALL BE MADE WHICH WILL INDUCE OR ENCOURAGE LARGE-SCALE COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL DEVELOPMENT UNLESS THE VALUE OF SUCH DEVELOPMENT IS CONSIDERED IN DETERMINING THE FAIR MARKET VALUE AND UNLESS THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE RESOURCES OF THE EXISTING STATE TRACTS OR THOSE TRACTS WHICH THE STATE WOULD RECEIVE UNDER THE PROPOSED EXCHANGE.

-End-